

**Senate Bill No. 833**

\_\_\_\_\_

Passed the Senate June 1, 2011

\_\_\_\_\_

*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly August 31, 2011

\_\_\_\_\_

*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 44000.6 to the Public Resources Code, relating to solid waste.

## LEGISLATIVE COUNSEL'S DIGEST

SB 833, Vargas. Solid waste: disposal facilities: San Diego County.

(1) The California Integrated Waste Management Act of 1989 regulates the management of solid waste.

Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and prohibits a person from disposing of solid waste, causing solid waste to be disposed of, arranging for the disposal of solid waste, transporting solid waste, or accepting solid waste for disposal, except at a permitted solid waste disposal facility. A violation of the provisions prohibiting the disposal of solid waste is a crime.

This bill would prohibit a person from constructing or operating a solid waste landfill disposal facility located in the County of San Diego if that disposal facility is located within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river and is within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe and is listed in the California Native American Heritage Commission Sacred Lands Inventory.

The bill would require the enforcement agency to enforce a violation of this prohibition by the immediate issuance of a cease and desist order, thereby imposing a state-mandated local program by imposing a new duty upon local agencies.

The bill would make a declaration of legislative findings regarding why a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

Because a violation of this bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by

the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

*The people of the State of California do enact as follows:*

SECTION 1. Section 44000.6 is added to the Public Resources Code, to read:

44000.6. (a) Notwithstanding any other provision of this division, a person shall not construct or operate a solid waste landfill disposal facility in the County of San Diego if that disposal facility meets both of the following conditions:

(1) Any portion of the disposal facility is located on or within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river.

(2) The disposed facility is located on or within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe, as defined in Section 44201, and that is listed in the California Native American Heritage Commission Sacred Lands Inventory.

(b) This section does not apply to a permitted disposal facility at which solid waste was disposed of before January 1, 2012, or to the expansion of that facility.

(c) The enforcement agency shall enforce a violation of this section by the immediate issuance of a cease and desist order pursuant to Section 45005.

SEC. 2. The Legislature finds and declares that, due to the unique circumstances arising from a proposal to construct and operate a solid waste landfill that would be located adjacent to the San Luis Rey River and its drinking water supplies and to sites considered sacred by numerous Native American tribes, and given the unique relationship between the state government and tribal governments in the state, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and therefore this special statute is necessary.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the costs may be incurred by a local agency or school district

because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution or because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.







Approved \_\_\_\_\_, 2011

---

*Governor*